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1945

File No. Food crops II. 145

Legal Department

3 **BRANCH**

Subject:—

Rules and Notifications

under the Bombay Growth

of Food - crops Act, 1944

4/1945

File No ~~Legal Cases~~ II 145

Gen. 194 e.

140-B

Office of the R.L.A.

The view taken by R.C.D. at A in para.4, at page 33 ante is not quite correct. Rule 1(iv) of the Rules made under section 13 of the Bombay Growth of Foodcrops Act, 1944, provides that where the scheduled foodcrops are grown as a mixed crop in rows with any crop other than a scheduled foodcrop, the area under the scheduled foodcrops shall, subject to the maximum laid down in the Explanation to sections 3 and 4, be calculated according to the proportion which the rows of schedu-led foodcrops bear to the rows of the other crops and where the mixed crop is not so grown in rows, the area shall be calculated in such manner as the Collector may determine. It has been held in R.L.A's opinion No. 98-P, dated the 11th August 1944, that the provisions of rule 1(iv) are subject to the maximum laid down in the Explanation to sections 3 and 4. The maximum prescribed by the Explanation as amended by the Bombay Act XVI of 1944 is 1/4th or such other proportion as may be fixed by the Provincial Government either generally or in relation to any particular area or any particular mixed crop by notification in the Official Gazette and in such other manner as it may consider expedient, whichever is greater, of the total area under the mixed crop; If therefore Government desires to fix any other proportion than 1/4th in the cases of wheat and linseed it can do so by notification, and the areas under the said foodcrops can, subject to the maximum thus notified be calculated according to the proportion which the rows of scheduled foodcrops bear to the rows of the

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other crops.

The notifications sent by R.C.D. has been amended from the drafting point of view.

Id/- P.N.M.

5/3/45.

Remembrancer of Legal Affairs.

U.R. to R.C.D. No. 1775, dated the

6th March 1945.

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16/7.

Office of the R.L.A.

Since section 4 of the Bombay Growth of Foodcrops Act imposes an obligation on the Provincial Government to prescribe the proportion of the cultivator's holding in excess of which scheduled non-foodcrops shall not be grown, it would be desirable to fix a very small proportion under the Act under clause (b) of section 4. It would not be in order to impose a complete ban on the growth of scheduled non-foodcrops. Government's object of preventing a cultivator from Growing scheduled non-foodcrops can be achieved by prescribing an infinitesimally small proportion for the purpose.

2. The proper date to be inserted in the drafts is the 22nd May 1945.

3. The Reconstruction Department should check up the schedules and see that the Bombay Growth of Foodcrops Act is in force in the areas specified in them.

4. Subject to the remarks in paras. 1 and 3 above the drafts as amended are in order.

Id/- P.N.M.
8/5/45.
Remembrancer of Legal Affairs.

U.R. to R.C.D., No. 3622, dated the 8th May 1945.

MSR.
16/7.

Office of the R.L.A.

Section 6A of the Bombay Growth of Foodcrops Act, 1944 provides that the Provincial Government may, by notification in the Official Gazette, direct additions to or omissions from the list of crops specified in Schedule I or Schedule II either generally or with reference to any particular area specified in any such notification, and the Schedule shall on the issue of the notification be deemed to be amended accordingly. The scheduled foodcrops for the purposes of the Act would therefore mean a crop specified in Schedule I as amended from time to time by a notification issued under section 6A. ~~It is therefore mean a crop specified in Schedule I as amended from time to time by a notification issued under section 6A.~~ It is therefore necessar to issue a fresh notification under section 6A directing the addition "Lang" to the list of pulses specified in the Schedule. At the time it is necessary to supersede G.N., R.C.D. No. 7133/3 dated the 3rd April 1945 so as not to create conflict between the two notifications - one omitting "Lang" from the list of pulses and the other adding "Lang" to the said list.

The draft at page 131 as amended is in order.

Id/-

Remembrancer of Legal Affairs.

U.R. to R.C.D. No. 5385, dated the 21st July 1945

MSR.
16/7.